



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels, Jr.

Governor

Thomas W. Easterly

Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

September 15, 2010

Mr. Scott Liggett
Superior Environmental Remediation⁹⁰, Inc.
2101 Lincolnway East
Mishawaka, Indiana 46544

Dear Mr. Liggett:

Re: NPDES General Permit No. ING080103
Henschen Oil Remediation Site
Wakarusa, Indiana, Elkhart County

This office has reviewed your request of July 14, 2010 for the termination of NPDES general permit coverage for the Henschen Oil Remediation Site located in Wakarusa, Indiana. We have confirmed the closure of the groundwater remediation site with staff of the Office of Land Quality. Since there will no longer be any discharges from this site, a NPDES permit is no longer required. Therefore, National Pollutant Discharge Elimination System Permit No. ING080103 issued October 15, 2004 is hereby revoked effective 18 days from the mailing date of this letter.

Any party adversely affected or aggrieved by this decision may appeal by filing a petition for administrative review with the Office of Environmental Adjudication (OEA) within eighteen (18) days from the mailing date of this letter. Any appeal request must be filed in accordance IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant, a person aggrieved or adversely affected by this termination or otherwise entitled to review by law. Pursuant to IC 13-15-7-3, this decision shall remain in effect pending a decision on any appeal that has been timely required under the provisions of IC 4-21.5. The address is:

Office of Environmental Adjudication
Indiana Government Center North
100 North Senate Avenue, Room 501
Indianapolis, IN 46204

You are reminded that any future discharge to waters of the state must be preceded by the submission of an NPDES application at least 180 days prior to commencement of such discharge. If you have any questions regarding this letter, please contact Mr. Joe Gwinn of my staff at 317/232-8769.

Sincerely,

Paul Higginbotham, Chief
Permits Branch
Office of Water Quality

cc: Elkhart County Health Department

STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PUBLIC NOTICE NO. 2010 – 9D -GP

DATE OF NOTICE: September 15, 2010

The Office of Water Quality issues the following NPDES GENERAL PERMIT.

TERMINATION

HENSCHEN OIL, Permit No. ING080103, ELKHART COUNTY, Wakarusa, IN. This permit is being terminated because there is no longer a discharge. Permit Writer: Joe Gwinn at 317/233-8769.

PROCEDURES TO APPEAL

General Permit documents are available for inspection at IDEM, Office of Water Quality/Permit Section, IGCN, 100 N Senate Ave, Indianapolis, IN, Room 1203, from 9 - 4, Monday-Friday (copies 10¢ per page). The General Permit is also available at the local Health Department. Please tell others you think would be interested in this matter.

Appeal Procedure: Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication within eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law.

Timely filing: The Petition for Administrative Review must be received by the Office of Environmental Adjudication (OEA) within 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

- state the name and address of the person making the request;
- identify the interest of the person making the request;
- identify any persons represented by the person making the request;
- state specifically the reasons for the request;
- state specifically the issues proposed for consideration at the hearing;
- identify the Final Permit Rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES Permit rule.

If the person filing the Petition for Administrative Review desires any part of the NPDES Final Permit Rule to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to the address here:
Phone: 317/232-8591.

Environmental Law Judge
Office of Environmental Adjudication
IGC – North Building- Rm 501
100 N. Senate Avenue
Indianapolis IN 46204

Stay Time frame: If the Petition (s) is filed within eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

Hearing Notification: Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at the phone listed above.

GWINN, JOSEPH

From: Scott Liggett [Scott@Ser90.com]
Sent: Wednesday, July 14, 2010 3:00 PM
To: GWINN, JOSEPH
Subject: Henschen Oil NPDES Permit

July 14, 2010

Indiana Department of Environmental Management
Office of Water Quality
100 Senate Ave.
Indianapolis, IN 46206

Re: Withdrawal of NPDES Permit ING080103

To Whom It May Concern:

Please be advised at this time that we request to have the NPDES Permit be withdrawn and terminated for the following facility.

Superior Environmental Remediation⁹⁰, Inc.
Henschen Oil Remediation Site
914 East Waterford Street
Wakarusa, IN
NPDES Permit No.: ING080103

Although this remediation project has not yet been completed to established IDEM LUST cleanup standards, the facility is inoperable such that NPDES discharge is no longer possible. The remediation system has not be in operation for a period of years and there is no intention of bringing the remediation system on-line.

Please advise me should you have questions or comments on this matter.

Sincerely,

Superior Environmental Remediation⁹⁰, Inc.

Thanks,
Scott

R. Scott Liggett
Project Manager
Superior Environmental Remediation⁹⁰, Inc.
2101 Lincolnway East, Mishawaka, IN 46544
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7/15/2010

